

FILED

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2014 MAY 13 PM 2:25

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BY: [Signature]

Attorneys for (Proposed) Amicus Curiae The
Global Alliance for Preserving the History
of WW II in Asia

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MICHIKO SHIOTA GINGERY, an
individual, KOICHI MERA, an individual,
GAHT-US Corporation, a California non-
profit corporation

Plaintiffs,

v.

CITY OF GLENDALE, a municipal
corporation, SCOTT OCHOA, in his
capacity as Glendale City Manager,

Defendants.

Case No. 2:14-cv-1291-PA-AJW

APPLICATION OF THE GLOBAL
ALLIANCE FOR PRESERVING
THE HISTORY OF WW II IN ASIA
FOR LEAVE TO PARTICIPATE AS
AMICUS CURIAE;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
BARRY A. FISHER

Courtroom: 15 (Hon. Percy Anderson)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Applicant, The Global Alliance for Preserving the History of WW II in Asia
(the Global Alliance), a non-profit educational organization under I.R.C. § 501(c)(3),

APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
A'; DECL. OF BARRY A. FISHER

Case No. 2:14-cv-1291-PA-AJW

1 hereby applies to the Court for an order granting it leave to participate in the action as
2 amicus curiae.

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4 Global Alliance's proposed brief amicus curiae is lodged contemporaneously
5 with this motion.

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7 This application of Global Alliance for order granting leave to file a brief and
8 participate in this action as amicus curiae in support of defendant City of Glendale, a
9 municipal corporation, is made following conferences with counsel pursuant to Local
10 Rule 7-3 that counsel for proposed amicus curiae had on May 7, 2014 with William B.
11 DeClercq, plaintiffs' counsel, and on May 9, 2014 with Andrew Radcliffe and Frank
12 J. Broccolo, the defendant's counsel, and on May 12, 2014 with Frank J. Broccolo,
13 defendant's counsel. Counsel for both plaintiffs and defendant advised counsel for
14 proposed amicus curiae that they take no position on the motion for the Global
15 Alliance to file an amicus curiae brief and participate in the action.

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19 The Global Alliance is a nonprofit, nonpartisan, worldwide federation of more
20 than 40 grassroots organizations. Founded in 1994, it has as its mission the
21 examination and analysis of the history of the Asia-Pacific War (1931-1945). It is a
22 California nonprofit charitable and educational corporation, and has tax-exempt status
23 under both California law and I.R.C. § 501(c)(3). Its chartered member organizations
24 are located in several countries, including the United States, Canada, the People's
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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
A'; DECL. OF BARRY A. FISHER**

1 Republic of China (mainland China), the Republic of China (Taiwan), Japan, and
2 Malaysia.

3
4 The Global Alliance is focused on public education. It believes that such
5 education will assist in establishing of enduring peace and harmony among all
6 Western Pacific nations, and in finding reconciliation despite painful memories.

7
8 The Global Alliance has organized numerous international conferences and
9 educational tours in the U.S. and other countries, including Japan, China, Korea, and
10 Canada. It assisted in the research for, and publication of, several books, including the
11 influential bestseller The Rape of Nanking: The Forgotten Holocaust of World War II,
12 by Iris Chang, first published in 1997. Its members have served as speakers at
13 conferences, on television and radio stations, and in many other fora. It supported
14 federal legislation signed in 2000 providing for declassification in the United States
15 of Japanese war crimes records, legislation in California, New York, and other states,
16 and United Nations resolutions and reports regarding Japanese war crimes . It has
17 assisted in the publication of many history textbooks, reference materials, award-
18 winning documentary films, concerts, plays, feature films. It has participated in
19 producing international essay contests and educational tours of atrocity sites and
20 arranging visits by Japanese war crimes survivors to high schools and colleges.
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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
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1 The Global Alliance has long been involved with the investigation,
2 documentation, and litigation of Japanese government and private industry human
3 rights violations and unfair labor practices in colonized and occupied countries,
4 notably including the comfort women. It, for example, participated in research and
5 investigation for the class-action lawsuit filed in the U.S. District Court for the District
6 of Columbia in September 2000 by former comfort women. It has also participated in
7 international meetings and conferences on the comfort women, including those in
8 Tokyo, Beijing, and Shanghai.

9 The Global Alliance has accumulated a store of knowledge of, and expertise in,
10 the history of the comfort women. It is well placed to assist this Court in a
11 knowledgeable and informed fashion.

12 The Global Alliance's proposed brief amicus curiae, lodged contemporaneously
13 with this motion, contains considerable material relevant to the issues presented by
14 this case that has not been presented by either of the parties. The Global Alliance
15 believes that its participation in the action as amicus curiae will be helpful to the Court
16 in adjudicating the case.

17 The application is based on the attached Declaration of Barry A. Fisher and
18 memorandum of points and authorities, all papers and records on file in this action.

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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
A'; DECL. OF BARRY A. FISHER**

1 A proposed order is lodged concurrently with the application.

2 Dated: May 13, 2014

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4 Respectfully submitted,

5 Fleishman & Fisher

6 Barry A. Fisher

7 By: 

8 Barry A. Fisher

9 Attorneys for Proposed Amicus Curiae

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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
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MEMORANDUM OF POINTS AND AUTHORITIES

It is within the district court's discretion to allow the participation in an action by an amicus curiae. N. Secs. Co. v. United States, 191 U.S. 555, 24 S. Ct. 119, 48 L. Ed. 2d 299 (1903). "There are no strict prerequisites that must be established prior to qualifying for amicus status; an individual seeking to appear as amicus must merely make a showing that his participation is useful to or otherwise desirable to the court." In re Roxford Foods Litig., 790 F. Supp. 987, 997 (E.D. Cal.1991) (quoting United States v. Louisiana, 751 F. Supp. 608, 620 (E.D. La. 1990)). "District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." NGV Gaming, Ltd. v. Upstream Point Molate, LLC, 355 F. Supp. 2d 1061, 1067 (N.D. Cal.2005) (internal quotation marks and citation omitted). See, e.g., Infineon Techs. N. Am. Corp. v. Mosaid Techs., Inc., 2006 WL 3050849, at *3 (N.D. Cal. 2006)("The Court concludes that permitting Micron and ProMOS to present argument on the vacatur question will aid the Court in resolving these concerns. Accordingly, Micron and ProMOS will be permitted to participate in this action").

APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S & A'; DECL. OF BARRY A. FISHER

1 The Global Alliance has considerable knowledge and experience in the area of
2 the history of World War II in the Pacific and of the comfort women in particular. Its
3 brief will assist the Court by presenting ideas, arguments, theories, insights, facts or
4 data that are not to be found in the parties' briefs.
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6 **CONCLUSION.**
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8 The Global Alliance's application for leave to participate as amicus curiae
9 should be granted.
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11 Dated: May 12, 2014

12 Respectfully submitted,
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14 Fleishman & Fisher
15 Barry A. Fisher

16 By: 

17 Barry A. Fisher
18 Attorneys for Proposed Amicus Curiae
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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
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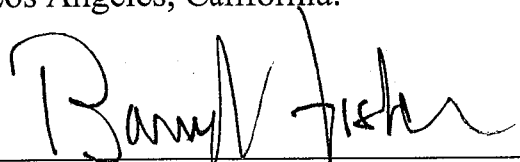
DECLARATION OF BARRY A. FISHER

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2 1. I am an attorney admitted to the bars of, inter alia, the State of California and
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4 this Court. I am managing partner of Fleishman & Fisher (F&F), a law firm that
5 focuses on public interest, constitutional and appellate litigation. I am one of
6
7 Plaintiffs' counsel in this case.

8 2. This application of Global Alliance for order granting leave to file a brief
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10 and participate in this action as amicus curiae in support of defendant City of
11 Glendale, a municipal corporation, is made following conferences with counsel
12 pursuant to Local Rule 7-3 that I had on May 7, 2014 with William B. DeClercq,
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14 plaintiffs' counsel, and on May 9, 2014 with Andrew Radcliffe and Frank J. Broccolo,
15 the defendant's counsel, and on May 12, 2014 with Frank J. Broccolo, defendant's
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17 counsel. Counsel for both plaintiffs and defendant advised me that they take no
18 position on the motion for the Global Alliance to file an amicus curiae brief and
19
20 participate in the action.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed this 13 day of May, 2014, at Los Angeles, California.

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25 _____
26 Barry A. Fisher
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28 **APPLICATION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE; MEMO. OF P.'S &
A'; DECL. OF BARRY A. FISHER**